

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JONATHAN NNEBE, *et al.*,

Plaintiffs,

-v-

MATTHEW DAUS, *et al.*,

Defendants.

No. 06-cv-4991 (RJS)

ANTHONY STALLWORTH, *individually and
on behalf of all others similarly situated, et al.*,

Plaintiffs,

-v-

MEERA JOSHI, *et al.*,

Defendants.

No. 17-cv-7119 (RJS)

ORDER

RICHARD J. SULLIVAN, Circuit Judge:

The Court is in receipt of Plaintiffs' October 28, 2022 letter (Doc. No. 564) and Defendants' November 1, 2022 response letter (Doc. No. 565), both submitted in compliance with the Court's October 21, 2022 order (Doc. No. 563).¹ Having considered the parties' respective submissions, the Court concludes that the opt-out period shall be reopened, and Class Notice shall again be disseminated, in order to ensure that the class members are provided with the best notice that is practicable under the circumstances. *See* Fed. R. Civ. P. 23(c)(2)(B). To this end, IT IS HEREBY ORDERED THAT:

¹ All record citations are to docket 06-cv-4991.

- **No later than November 7, 2022**, Defendants shall provide to Class Counsel a list in Excel format that contains all current class members' last known phone numbers.² Class Counsel shall treat this information as confidential, and such information shall be used solely for purposes of this litigation.
- **No later than November 14, 2022**, Class Counsel shall disseminate via text message the language proposed by Defendants (Doc. No. 565 at 3–4) to current class members, excluding those current class members who have already contacted Class Counsel to request a compensatory-damage hearing. Any requests to opt out of the class must be submitted to Class Counsel and postmarked or emailed **no later than December 14, 2022**. As the text message refers class members to <https://www.tlcsuspensioncase.com/class-notice>, Class Counsel shall update the previously approved Class Notice posted there to reflect this new December 14, 2022 opt-out date.
- Also **no later than November 14, 2022**, Class Counsel shall mail the previously approved Class Notice – again, updated to reflect the new December 14, 2022 opt-out date – to current class members who previously received notice by email only, excluding those current class members who have already contacted Class Counsel to request a compensatory-damage hearing. (See Doc. No. 544 at 4–8.) Class Counsel shall use the same mail procedures, including updating procedures, that were previously used to disseminate Class Notice. (See Doc. No. 544 at 2.)
- **No later than December 21, 2022**, Class Counsel shall file an updated Class List under seal.
- **No later than January 13, 2023**, Class Counsel shall file a list of class members requesting a compensatory-damage hearing under seal.

² References to “current class members” in this order excludes the class members who opted out during the first opt-out period.

- **No later than January 27, 2023**, the parties shall file a joint letter proposing a schedule for the remainder of the litigation, setting out, as necessary, any areas of disagreement between the parties. The letter shall also address the parties' proposals regarding (1) the form, manner, and timeline for conducting individual damages hearings; and (2) the adjudication of nominal damages for the remaining class members, including whether separate subclasses should be certified for plaintiffs seeking nominal versus compensatory damages.

SO ORDERED.

Dated: November 2, 2022
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation